



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes BOARD OF ZONING APPEALS

James A. Mills, Ward 3, Chairman
J. K. Lowman, Ward 2, Vice Chairman
Susan Grant, Ward 1
G. Marshall Dye, Ward 4
Steven A. Carson, Ward 5
William "Bill" J. Martin, Ward 6
Neil Bishop, Ward 7

Monday, October 31, 2011

6:00 PM

City Hall Council Chambers

Present: J. K. Lowman, Neil Bishop, G. Marshall Dye, James A. Mills,
Susan Grant, Steven A. Carson, and William "Bill" J. Martin

Staff:

Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Kyethea Clark, Urban Planner
Doug Haynie, City Attorney

CALL TO ORDER:

Chairman Mills called the October 31, 2011 Board of Zoning Appeals Meeting to order at 6:00 p.m.

MINUTES:

20110927

September 26, 2011 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of the September 26, 2011 Board of Zoning Appeals Meeting Minutes

Mr. Dye made a motion to approve the September 26, 2011 Board of Zoning Appeals Meeting Minutes, seconded by Mr. Martin. Motion carried 7 – 0.

A motion was made by Board member G. Marshall Dye, seconded by Board member William "Bill" J. Martin, that this matter be Approved and Finalized . The motion carried by the following vote: 7 – 0.

OLD BUSINESS:**20110699****V2011-26 James A. Balli for Snapfinger Properties, LLC (Marietta Recycling) 303 Marble Mill Road**

V2011-26 [VARIANCE] JAMES A. BALLI FOR SNAPFINGER PROPERTIES, LLC (MARIETTA RECYCLING) request variances for property located in Land Lot 10050, District 16, Parcel 0320 and being known as 303 Marble Mill Road. Variances to increase the wall/barrier height from 8 ft. to 20 ft. to allow the construction of an acoustic noise barrier and variance to allow the use of a metal material to construct the acoustic noise barrier. Ward 5.

File #20110699 (V2011-26) was presented by Mr. Roth for property located in Land Lot 10050, District 16, Parcel 0320 and being known as 303 Marble Mill Road.

On behalf of the applicant and owner Snapfinger Properties, LLC, James A. Balli is requesting a variance to increase the wall/barrier height from 8 feet to 20 feet to allow the construction of an acoustic noise barrier and a variance to allow the use of a metal material to construct the acoustic noise barrier.

During Mr. Balli's presentation, Chairman Mills interrupted to explain that the Board asked that this be tabled to the October meeting so the applicant could submit additional information regarding the proposed fence barrier. Specifically, the Board was interested in more concise and definite information to back up the claim that the sound would be reduced by using the proposed fence barrier. At this time and after several requests, staff has not received any additional information.

Mr. Balli stated that he has no additional information at this time and that he wanted to renew his original request based on the stipulation letter and staff recommendation.

The following individuals spoke in opposition:

Mrs. Juanita Carmichael, a resident of 1008 James Street, summarized her comments and opposition as follows:

(1) opposed to the installation of the noise barrier, (2) noise, (3) environmental hazards, (4) pollution, (5) eyesore, (6) devaluation of property, (7) quality of life

When questioned by Mr. Carson, Mrs. Carmichael stated that she would like to see their license revoked. Dialogue continued between Mrs. Carmichael and Mr. Carson about the wall.

At this time, Mr. Dye stated that we have no additional information as to whether the wall will reduce the sound.

Mrs. Ruth Eppinger is opposed because of the amount of dust created.

At this time, Mrs. Carmichael submitted a signed petition signed.

For the record, Mr. Dye stated that he owns property on the east side of the recycling plant.

There being no follow-up information as requested from the last meeting, Mr. Carson made a motion to deny the variance. The purpose of this meeting was to get enough information back to claim the sound barrier useful and by not having any information, Mr. Carson made a motion to deny the variance, seconded by Mr. Lowman.

As Mr. Haynie explained, the Board should not vote solely on the lack of information, but vote based on evidence presented tonight and at the last hearing.

Mr. Carson made a motion based on the evidence presented at the last hearing and the lack of evidence presented at this hearing, seconded by Mr. Lowman.

Motion carried 7 – 0.

A motion was made by Board member Steven A. Carson, seconded by Board member J. K. Lowman, that this matter be Denied . The motion carried by the following vote: 7 – 0.

VARIANCES:

20110923

V2011-31 Andy Lawson 1019 Franklin Road

V2011-31 [VARIANCE] ANDY LAWSON request variances for property located in Land Lot 07160, District 17, Parcel 0140 and being known as 1019 Franklin Road. Variance to increase the allowable height from 8' to 11.5' and variance to increase the allowable structure area from 40 sq. ft. to 128.15 sq. ft. Ward 6.

File #20110923 (V2011-31) was presented by Mr. Roth for property located in Land Lot 07160, District 17, Parcel 0140 and being known as 1019 Franklin Road.

Mr. Andy Lawson is requesting a variance to increase the allowable sign height from 8' to 11.5' and a variance to increase the allowable sign structure area from 40 sq. ft. to 128.15 sq. ft.

Mr. Lawson explained that the sign is to help curb appeal, as this project is a multi-million dollar apartment complex renovation. Mr. Lawson referenced pictures taken of other signs in the area as being above code requirements.

Rolando Bredwood, Vice President of Star Residential and owner of said property, spoke on the credibility of the company and their plans for redevelopment. This property was foreclosed and is undergoing \$1.8 million worth of improvements.

Mr. Dye offered an explanation that the Board has rules to go by on signage and tries to follow them precisely.

Mr. Lowman's question to Mr. Roth indicated that some of the pictures presented by Mr. Lawson exceed the current sign ordinance but may have been approved under a different sign code ordinance. Mr. Roth explained that some are grandfathered, some are on larger streets, and in commercial areas that have different regulations which allow some signs to be larger. Mr. Lowman stated that the Board tries to avoid establishing a precedent that violates our sign ordinance.

Mr. Martin made mention that the current sign looks nice and Franklin Road does not need any more distractions.

Mr. Martin made a motion to deny, seconded by Mr. Lowman.

The motion carried 6 – 1 to deny. Mr. Carson opposed.

A motion was made by Board member William "Bill" J. Martin, seconded by Board member J. K. Lowman, that this matter be Denied . The motion carried by the following vote: 6 – 1.

Vote Against: 1 - Board member Carson

NEW BUSINESS:

20110926 2012 Board of Zoning Appeals Calendar of meeting dates

Review and Approval of the 2012 Board of Zoning Appeals Calendar

File #20110926 – 2012 Board of Zoning Appeals Calendar of meeting dates

Mr. Lowman made a motion that the dates submitted be approved, seconded by Ms. Grant.

The motion carried 7 – 0.

A motion was made by Board member J. K. Lowman, seconded by Board member Susan Grant, that this matter be Approved and Finalized. The motion carried by the following vote: 7 – 0.

20110955 (V2011-32) Chevron 1200 Franklin Road

Motion for request to waive the 12 month waiting period for a variance application affecting the same property.

File 20110955 (V2011-32) was presented by Mr. Roth for a Motion for a request to waive the 12 month waiting period for a variance application affecting the same property being known as the Chevron Food Mart located at 1200 Franklin Road.

Marcus Turner explained that there is an on-going issue with the sign due to road construction.

The owner has a new sign request that he would like to have heard next month but needs to have the 12-month waiting period waived.

Mr. Bishop made a motion to deny the 12-month waiting period, seconded by Mr. Dye. Motion carried 7 – 0.

A motion was made by Board member Neil Bishop, seconded by Board member G. Marshall Dye, that this matter be Denied . The motion carried by the following vote: 7 – 0.

ADJOURNMENT:

The Board of Zoning Appeals Meeting adjourned at 6:45 p.m.

JAMES A. MILLS, CHAIRMAN

PATSY BRYAN, SECRETARY